

March 21, 2016

Honorable Ken Paxton
Office of the Attorney General
Open Records Division
P.O. Box 12548
Austin, Texas 78711

Re: Public Information Act request received March 7, 2016, for information relating to an incident occurring at a Dallas County Jail on August 1, 2015 involving Joseph Hutcheson

Dear Sir:

On behalf of the Dallas County District Attorney's Office, I am seeking a determination whether the above-requested information is exempt from disclosure under the PIA.

This Office received a request from Ian Campbell seeking the following:

1. The names of the officers involved in restraining Joseph Hutcheson in the lobby of Lew Sterrett;
2. Information on the employment status of the officers involved and whether they are still on active duty; and
3. "If the initial statement by the Sheriff's Office was that Joseph Hutchison (sic) had drugs in his car and, two days later, that statement was retracted, why was that statement given in the first place and who is responsible for misleading the public?"

See Exhibit A.

The Dallas County District Attorney's Office has no information responsive to Requestor's second and third requests. This Office does presently have the names of the Officers involved and requests a ruling regarding their potential exemption from release. It is submitted that the requested information is exempt from disclosure for the following reasons:

1. The Attorney General's Office has previously held that the names at issue are exempt from disclosure.

The Dallas County Sheriff's Department has requested rulings from your Office relating to the incident at issue from the instant requestor. The names requested were specifically found to be exempt from disclosure. *See Tex. Att'y Gen. OR2015-17288;*

Tex. Att'y Gen. OR2015-23061, *See* Exhibit C. The basis for the exception was that the names are related to an ongoing criminal investigation and their release would interfere with the detection, investigation, or prosecution of the case. *See* Tex. Gov't Code § 552.108(a)(1). This Office contends that this is still the case as the investigation is ongoing and nothing has yet been presented to the Grand Jury. *See* Exhibit D. Therefore, this Office requests that it be able to rely on the prior rulings.

2. The file contains information, the release of which would interfere with law enforcement or prosecution (the “law enforcement exception”).

Alternatively, this Office seeks an independent determination that the requested information in Exhibit D is excepted from disclosure under the PIA’s law. The release of the names requested would interfere with the detection, investigation, or prosecution of any offenses arising from the underlying incident. *See* TEX. GOV’T CODE § 552.108(a)(1) & (b)(1). *See* Exhibit D.

If you have any questions or need additional information, please contact me.

Sincerely,

SUSAN HAWK
Criminal District Attorney
Dallas County, Texas



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(w/o enclosures)